UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,266	04/03/2001	Kim F. Storm	08204/0203163-US0	7388

38878   7590   02/21/2008

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ART UNIT	PAPER NUMBER
2154	

MAIL DATE	DELIVERY MODE
02/21/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/826,266	STORM, KIM F.
	Examiner	Art Unit	
	Haresh Patel	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *28 January 2008*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *12-18* is/are pending in the application.

    4a) Of the above claim(s) *1-11 and 19-29* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *12-18* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 12-18 are subject to examination. Claims 1-11, 19-29 are withdrawn.

2.   Applicant's request for reconsideration of the finality of the rejection of the last Office

action dated 11/28/2007 is persuasive and, therefore, the finality of that action is withdrawn.

        Since, claims have been further amended dated 1/28/2008, this action is made final and

further grounds of rejection are presented in order to expedite the prosecution of this case. Please

refer to the response to the arguments of the office actions dated 11/28/2007, 8/14/2007, etc. of

the prosecution history for the remarks/arguments.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 12, 13 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Lu et al.

7,281,036 (Hereinafter Lu).

5.   As per claim 12, Lu discloses a system comprising (col., 6) a network element including

a direct internet protocol module (col., 6); and a management node (col., 6) residing at a same

physical subnet as the network element (col., 6, col., 10), the management node comprising

computer executable instructions that when executed perform actions (col., 6) including:

forcing the network element to have an unused IP address (col., 17) within an access

range of the management node (col., 16) by identifying the unused IP address within the access

range of the management node and broadcasting a broadcast frame from the management node

as a force request including the unused IP address (col., 17) to the direct internet protocol module

without reconfiguring the management node wherein the IP address of the network element is

changed to the unused IP address (col., 16).

Note: Regarding the applicant's usage of "wherein" and/or "whereby" in the claimed

subject matter of the claims, the claim scope is not limited by claim language that suggests or

makes optional but does not require steps to be performed, or by claim language that does not

limit a claim to a particular structure. Please see Minton v. Nat 'l Ass 'n of Securities Dealers,

Inc., 336 F.3d 1373, 1381, 67 USPQ2d 1614, 1620 (Fed. Cir. 2003)), MPEP 2111.

Note: The specification of this application under prosecution, paragraph 18 states, "In the

foregoing specification, the invention has been described with reference to specific embodiments

thereof. It will, however, be evident that various modifications and changes can be made thereto

without departing from   the broader spirit and scope of the invention as set forth in the appended

claims. The specification and drawings are, accordingly, to be regarded in an illustrative rather

than a restrictive sense".

6.   As per claim 13, Lu discloses the claimed limitations as rejected under claim 12. Lu also

discloses wherein the management node and the network element are coupled together by an

Ethernet connection (col., 6).

7.   Referring to claim 18, Lu disclose the claimed limitations as rejected under claim 12. Lu

also discloses wherein the management node uses higher level protocols (col., 7) to manage the

network element immediately after forcing the address (col., 7).

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

9.   Claims 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu in

view of Ullmann et al., IBM, 2002/0172222 (Hereinafter Ullmann-IBM).

10.   Referring to claim 14, Lu discloses the claimed limitations as rejected under claim 12.

However, Lu do not specifically mention about usage of a packet filter to snoop packets arriving

at a hardware layer of a protocol stack.

        Ullmann-IBM discloses the well-known concept of having a packet filter to snoop

packets arriving at a hardware layer of a protocol stack (e.g., paragraphs 131 and 152).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lu with the teachings of Ullmann-IBM in order to facilitate having a packet filter to snoop packets arriving at a hardware layer of a protocol stack because the filter would support defining parameters for the types and sizes of the packets to be snooped such as all packets associated with particular endpoints or only certain types of packets. The handling of the parameters of the packets would support processing the information contained in the packets.

11.   Referring to claim 17, Lu disclose the claimed limitations as rejected under claim 12. However, Lu do not specifically mention the module receives frames directed to a predefined port independent of a protocol address.

Ullmann-IBM discloses a well-known concept of having a module to receive frames directed to a predefined port independent of a protocol address (e.g., paragraphs 16 and 152, figures 2F and 2G).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lu with the teachings of Ullmann-IBM in order to facilitate having a module to receive frames directed to a predefined port independent of a protocol address because the port would support providing content of the frames to the module regarding the protocol address. The protocol address would support communicating information to the network device.

12.   Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu in view of Fuoco et al., 6,594,713, Texas Instruments (Hereinafter Fuoco-Texas).

13.   Referring to claims 15 and 16, Lu disclose the claimed limitations as rejected under claim 12. Oran-Cisco also discloses usage of different ports for Ethernet connection and WAN (internet) and leasing IP address for predetermined amount of time and not forcing new IP address during the lease time col., 9. However, Gai-Cisco and Oran-Cisco do not specifically mention about an external port and an internal port, wherein the direct access module is only enabled on the internal port, wherein the direct access module is disabled a finite predetermined amount of time after power up.

Fuoco-Texas discloses usage of an external port and an internal port (e.g., col., 1), wherein the direct access module is only enabled on the internal port (e.g., figures 1, 3, 10, col., 8), wherein the direct access module is disabled a finite predetermined amount of time of time after power up (e.g., figures 1, 3, 10, col., 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lu with the teachings of Fuoco-Texas in order to facilitate usage of the internal port, the external port and the disabling a finite predetermined amount of time after power up because the external port would support communicating to the external devices. The internal port would support providing information to the network entity using internal connection. The well-known concept of disabling the module that is no longer required would support saving power. Upon power up the module would support assigning the IP address and after the IP address is assigned, the disabling of the module would support reducing overall power consumption of the network device.

14.   Claims 12, 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gai

et al., 6,697,360, Cisco (Hereinafter Gai-Cisco) in view of Oran et al., 6,204,084, Cisco

(Hereinafter Oran-Cisco).

15.   As per claim 12, Gai-Cisco discloses a system comprising (col., 6):

        a network element including a module (col., 5); and a management node (col., 5) residing

at a same physical subnet as the network element (col., 6, col., 14), the management node

comprising computer executable instructions that when executed perform actions (col., 15,)

including:

        forcing the network element to have an unused IP address (col., 15, col., 11) within an

access range of the management node (col., 15, col., 16) by identifying the unused IP address

within the access range of the management node and broadcasting a broadcast frame from the

management node as a force request including the unused IP address (col., 7, col., 8) to the

module without reconfiguring the management node wherein the IP address of the network

element is changed to the unused IP address (col., 15, col., 16).

        However, Gai-Cisco does not specifically mention that the module handles direct internet

protocol.

        Oran-Cisco discloses the well-known concept of the module handing direct internet

protocol (col., 1, col., 3).

        It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Gai-Cisco with the teachings of Oran-Cisco in order to

facilitate usage of the direct internet protocol module because it would enhance handling IP

protocol packets. The well-known concept of handling the packets using the direct internet

protocol would avoid relying on other network devices for performing packet processing and

would support handling timely processing of network traffic (col., 1, col., 3).

16.   As per claim 13, Gai-Cisco and Oran-Cisco discloses the claimed limitations as rejected

under claim 12. Gai-Cisco also discloses wherein the management node and the network element

are coupled together by an Ethernet connection (col., 2, col., 7).

17.   Referring to claim 18, Gai-Cisco and Oran-Cisco disclose the claimed limitations as

rejected under claim 12. Gai-Cisco also discloses wherein the management node uses higher

level protocols (col., 2, col., 7) to manage the network element immediately after forcing the

address (col., 15, col., 16).

18.   Claims 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gai-

Cisco and Oran-Cisco in view of Ullmann et al., IBM, 2002/0172222 (Hereinafter Ullmann-

IBM).

19.   Referring to claim 14, Gai-Cisco and Oran-Cisco discloses the claimed limitations as

rejected under claim 12. However, Gai-Cisco and Oran-Cisco do not specifically mention about

usage of a packet filter to snoop packets arriving at a hardware layer of a protocol stack.

        Ullmann-IBM discloses the well-known concept of having a packet filter to snoop

packets arriving at a hardware layer of a protocol stack (e.g., paragraphs 131 and 152).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gai-Cisco and Oran-Cisco with the teachings of Ullmann-IBM in order to facilitate having a packet filter to snoop packets arriving at a hardware layer of a protocol stack because the filter would support defining parameters for the types and sizes of the packets to be snooped such as all packets associated with particular endpoints or only certain types of packets. The handling of the parameters of the packets would support processing the information contained in the packets.

20.   Referring to claim 17, Gai-Cisco and Oran-Cisco disclose the claimed limitations as rejected under claim 12. However, Gai-Cisco and Oran-Cisco do not specifically mention the module receives frames directed to a predefined port independent of a protocol address.

Ullmann-IBM discloses a well-known concept of having a module to receive frames directed to a predefined port independent of a protocol address (e.g., paragraphs 16 and 152, figures 2F and 2G).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gai-Cisco and Oran-Cisco with the teachings of Ullmann-IBM in order to facilitate having a module to receive frames directed to a predefined port independent of a protocol address because the port would support providing content of the frames to the module regarding the protocol address. The protocol address would support communicating information to the network device.

21.   Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gai-

Cisco and Oran-Cisco in view of Fuoco et al., 6,594,713, Texas Instruments (Hereinafter Fuoco-

Texas).

22.   Referring to claims 15 and 16, Gai-Cisco and Oran-Cisco disclose the claimed limitations

as rejected under claim 12. Oran-Cisco also discloses usage of different ports for Ethernet

connection and WAN (internet) and leasing IP address for predetermined amount of time and not

forcing new IP address during the lease time col., 9. However, Gai-Cisco and Oran-Cisco do not

specifically mention about an external port and an internal port, wherein the direct access module

is only enabled on the internal port, wherein the direct access module is disabled a finite

predetermined amount of time after power up.

        Fuoco-Texas discloses usage of an external port and an internal port (e.g., col., 1),

wherein the direct access module is only enabled on the internal port (e.g., figures 1, 3, 10, col.,

8), wherein the direct access module is disabled a finite predetermined amount of time of time

after power up (e.g., figures 1, 3, 10, col., 8).

        It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Gai-Cisco and Oran-Cisco with the teachings of Fuoco-

Texas in order to facilitate usage of the internal port, the external port and the disabling a finite

predetermined amount of time after power up because the external port would support

communicating to the external devices. The internal port would support providing information to

the network entity using internal connection. The well-known concept of disabling the module

that is no longer required would support saving power. Upon power up the module would

support assigning the IP address and after the IP address is assigned, the disabling of the module

would support reducing overall power consumption of the network device.

23.   Claims 12, 13 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Sawyer

et al. 6,466,986 (Hereinafter Sawyer).

24.   As per claim 12, Sawyer discloses a system comprising (col., 2) a network element

including a direct internet protocol module (col., 2); and a management node (col., 2) residing at

a same physical subnet as the network element (col., 2, col., 3), the management node

comprising computer executable instructions that when executed perform actions (col., 2)

including:

       forcing the network element to have an unused IP address (col., 3) within an access

range of the management node (col., 3) by identifying the unused IP address within the access

range of the management node and broadcasting a broadcast frame from the management node

as a force request including the unused IP address (col., 4) to the direct internet protocol module

without reconfiguring the management node wherein the IP address of the network element is

changed to the unused IP address (col., 4).

25.   As per claim 13, Sawyer discloses the claimed limitations as rejected under claim 12.

Sawyer also discloses wherein the management node and the network element are coupled

together by an Ethernet connection (col., 2).

26.   Referring to claim 18, Sawyer discloses the claimed limitations as rejected under claim

12. Sawyer also discloses wherein the management node uses higher level protocols (col., 3) to

manage the network element immediately after forcing the address (col., 3).

27.   Claims 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawyer

in view of Ullmann et al., IBM, 2002/0172222 (Hereinafter Ullmann-IBM).

28.   Referring to claim 14, Sawyer discloses the claimed limitations as rejected under claim

12. However, Sawyer do not specifically mention about usage of a packet filter to snoop packets

arriving at a hardware layer of a protocol stack.

        Ullmann-IBM discloses the well-known concept of having a packet filter to snoop

packets arriving at a hardware layer of a protocol stack (e.g., paragraphs 131 and 152).

        It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Sawyer with the teachings of Ullmann-IBM in order to

facilitate having a packet filter to snoop packets arriving at a hardware layer of a protocol stack

because the filter would support defining parameters for the types and sizes of the packets to be

snooped such as all packets associated with particular endpoints or only certain types of packets.

The handling of the parameters of the packets would support processing the information

contained in the packets.

29.   Referring to claim 17, Sawyer disclose the claimed limitations as rejected under claim 12.

However, Sawyer do not specifically mention the module receives frames directed to a

predefined port independent of a protocol address.

Ullmann-IBM discloses a well-known concept of having a module to receive frames directed to a predefined port independent of a protocol address (e.g., paragraphs 16 and 152, figures 2F and 2G).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Sawyer with the teachings of Ullmann-IBM in order to facilitate having a module to receive frames directed to a predefined port independent of a protocol address because the port would support providing content of the frames to the module regarding the protocol address. The protocol address would support communicating information to the network device.

30.   Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawyer in view of Fuoco et al., 6,594,713, Texas Instruments (Hereinafter Fuoco-Texas).

31.   Referring to claims 15 and 16, Sawyer disclose the claimed limitations as rejected under claim 12. Oran-Cisco also discloses usage of different ports for Ethernet connection and WAN (internet) and leasing IP address for predetermined amount of time and not forcing new IP address during the lease time col., 9. However, Gai-Cisco and Oran-Cisco do not specifically mention about an external port and an internal port, wherein the direct access module is only enabled on the internal port, wherein the direct access module is disabled a finite predetermined amount of time after power up.

Fuoco-Texas discloses usage of an external port and an internal port (e.g., col., 1), wherein the direct access module is only enabled on the internal port (e.g., figures 1, 3, 10, col.,

8), wherein the direct access module is disabled a finite predetermined amount of time of time

after power up (e.g., figures 1, 3, 10, col., 8).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Sawyer with the teachings of Fuoco-Texas in order to

facilitate usage of the internal port, the external port and the disabling a finite predetermined

amount of time after power up because the external port would support communicating to the

external devices. The internal port would support providing information to the network entity

using internal connection. The well-known concept of disabling the module that is no longer

required would support saving power. Upon power up the module would support assigning the

IP address and after the IP address is assigned, the disabling of the module would support

reducing overall power consumption of the network device.

32.   Claims 12, 13 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Pham et

al. 6,629, 145 (Hereinafter Pham).

33.   As per claim 12, Pham discloses a system comprising (col., 4) a network element

including a direct internet protocol module (col., 4); and a management node (col., 4) residing at

a same physical subnet as the network element (col., 4, col., 5), the management node

comprising computer executable instructions that when executed perform actions (col., 4)

including:

forcing the network element to have an unused IP address (col., 5) within an access

range of the management node (col., 5) by identifying the unused IP address within the access

range of the management node and broadcasting a broadcast frame from the management node

as a force request including the unused IP address (col., 4) to the direct internet protocol module

without reconfiguring the management node wherein the IP address of the network element is

changed to the unused IP address (col., 4).

34.   As per claim 13, Pham discloses the claimed limitations as rejected under claim 12. Pham

also discloses wherein the management node and the network element are coupled together by an

Ethernet connection (col., 4).

35.   Referring to claim 18, Pham discloses the claimed limitations as rejected under claim 12.

Pham also discloses wherein the management node uses higher level protocols (col., 5) to

manage the network element immediately after forcing the address (col., 5).

36.   Claims 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pham in

view of Ullmann et al., IBM, 2002/0172222 (Hereinafter Ullmann-IBM).

37.   Referring to claim 14, Pham discloses the claimed limitations as rejected under claim 12.

However, Pham do not specifically mention about usage of a packet filter to snoop packets

arriving at a hardware layer of a protocol stack.

        Ullmann-IBM discloses the well-known concept of having a packet filter to snoop

packets arriving at a hardware layer of a protocol stack (e.g., paragraphs 131 and 152).

        It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Pham with the teachings of Ullmann-IBM in order to

facilitate having a packet filter to snoop packets arriving at a hardware layer of a protocol stack

because the filter would support defining parameters for the types and sizes of the packets to be

snooped such as all packets associated with particular endpoints or only certain types of packets.

The handling of the parameters of the packets would support processing the information

contained in the packets.

38.   Referring to claim 17, Pham disclose the claimed limitations as rejected under claim 12.

However, Pham do not specifically mention the module receives frames directed to a predefined

port independent of a protocol address.

Ullmann-IBM discloses a well-known concept of having a module to receive frames

directed to a predefined port independent of a protocol address (e.g., paragraphs 16 and 152,

figures 2F and 2G).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Pham with the teachings of Ullmann-IBM in order to

facilitate having a module to receive frames directed to a predefined port independent of a

protocol address because the port would support providing content of the frames to the module

regarding the protocol address. The protocol address would support communicating information

to the network device.

39.   Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pham in

view of Fuoco et al., 6,594,713, Texas Instruments (Hereinafter Fuoco-Texas).

40.   Referring to claims 15 and 16, Pham disclose the claimed limitations as rejected under

claim 12. Oran-Cisco also discloses usage of different ports for Ethernet connection and WAN

(internet) and leasing IP address for predetermined amount of time and not forcing new IP

address during the lease time col., 9. However, Gai-Cisco and Oran-Cisco do not specifically

mention about an external port and an internal port, wherein the direct access module is only

enabled on the internal port, wherein the direct access module is disabled a finite predetermined

amount of time after power up.

Fuoco-Texas discloses usage of an external port and an internal port (e.g., col., 1),

wherein the direct access module is only enabled on the internal port (e.g., figures 1, 3, 10, col.,

8), wherein the direct access module is disabled a finite predetermined amount of time of time

after power up (e.g., figures 1, 3, 10, col., 8).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Pham with the teachings of Fuoco-Texas in order to

facilitate usage of the internal port, the external port and the disabling a finite predetermined

amount of time after power up because the external port would support communicating to the

external devices. The internal port would support providing information to the network entity

using internal connection. The well-known concept of disabling the module that is no longer

required would support saving power. Upon power up the module would support assigning the

IP address and after the IP address is assigned, the disabling of the module would support

reducing overall power consumption of the network device.

41.   Claims 12, 13 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Short et

al. 2005/0188092 (Hereinafter Short).

42.   As per claim 12, Short discloses a system comprising (page 4) a network element

including a direct internet protocol module (page 4); and a management node (page 4) residing at

a same physical subnet as the network element (page 7), the management node comprising

computer executable instructions that when executed perform actions (page 7) including:

        forcing the network element to have an unused IP address (page 7) within an access range

of the management node (page 7) by identifying the unused IP address within the access range of

the management node and broadcasting a broadcast frame from the management node as a force

request including the unused IP address (page 7) to the direct internet protocol module without

reconfiguring the management node wherein the IP address of the network element is changed to

the unused IP address (page 7).

43.   As per claim 13, Short discloses the claimed limitations as rejected under claim 12. Short

also discloses wherein the management node and the network element are coupled together by an

Ethernet connection (page 8).

44.   Referring to claim 18, Short discloses the claimed limitations as rejected under claim 12.

Short also discloses wherein the management node uses higher level protocols (page 5) to

manage the network element immediately after forcing the address (page 8).

45.   Claims 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Short in

view of Ullmann et al., IBM, 2002/0172222 (Hereinafter Ullmann-IBM).

46.   Referring to claim 14, Short discloses the claimed limitations as rejected under claim 12.

However, Short do not specifically mention about usage of a packet filter to snoop packets

arriving at a hardware layer of a protocol stack.

Ullmann-IBM discloses the well-known concept of having a packet filter to snoop

packets arriving at a hardware layer of a protocol stack (e.g., paragraphs 131 and 152).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Short with the teachings of Ullmann-IBM in order to

facilitate having a packet filter to snoop packets arriving at a hardware layer of a protocol stack

because the filter would support defining parameters for the types and sizes of the packets to be

snooped such as all packets associated with particular endpoints or only certain types of packets.

The handling of the parameters of the packets would support processing the information

contained in the packets.

47.   Referring to claim 17, Short disclose the claimed limitations as rejected under claim 12.

However, Short do not specifically mention the module receives frames directed to a predefined

port independent of a protocol address.

Ullmann-IBM discloses a well-known concept of having a module to receive frames

directed to a predefined port independent of a protocol address (e.g., paragraphs 16 and 152,

figures 2F and 2G).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Short with the teachings of Ullmann-IBM in order to

facilitate having a module to receive frames directed to a predefined port independent of a

protocol address because the port would support providing content of the frames to the module

regarding the protocol address. The protocol address would support communicating information

to the network device.

48.   Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Short in

view of Fuoco et al., 6,594,713, Texas Instruments (Hereinafter Fuoco-Texas).

49.   Referring to claims 15 and 16, Short disclose the claimed limitations as rejected under

claim 12. Oran-Cisco also discloses usage of different ports for Ethernet connection and WAN

(internet) and leasing IP address for predetermined amount of time and not forcing new IP

address during the lease time col., 9. However, Gai-Cisco and Oran-Cisco do not specifically

mention about an external port and an internal port, wherein the direct access module is only

enabled on the internal port, wherein the direct access module is disabled a finite predetermined

amount of time after power up.

Fuoco-Texas discloses usage of an external port and an internal port (e.g., col., 1),

wherein the direct access module is only enabled on the internal port (e.g., figures 1, 3, 10, col.,

8), wherein the direct access module is disabled a finite predetermined amount of time of time

after power up (e.g., figures 1, 3, 10, col., 8).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Short with the teachings of Fuoco-Texas in order to

facilitate usage of the internal port, the external port and the disabling a finite predetermined amount of time after power up because the external port would support communicating to the external devices. The internal port would support providing information to the network entity using internal connection. The well-known concept of disabling the module that is no longer required would support saving power. Upon power up the module would support assigning the IP address and after the IP address is assigned, the disabling of the module would support reducing overall power consumption of the network device.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner has cited particular columns and line numbers and/or paragraphs and/or sections and/or page numbers in the reference(s) as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings

of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety, as potentially teaching, all or part of the claimed invention, as well as the context of the passage, as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Haresh Patel/

HARESH PATEL

PRIMARY EXAMINER, Art Unit 2154

02/14/2008